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RESOLUTION NO. 09-209

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING LEFT TURN LANES ON ORME, AT THE INTERSECTION OF ORME AND OLIVER STREET. THAT THERE BE CONSTRUCTED DECELERATION LANES INCLUDING A COMMERCIAL DRIVEWAY APPROACH ON BOTH THE EAST AND WEST SIDES OF OLIVER AT A POINT APPROXIMATELY 355 FEET NORTH OF ORME STREET (ALONG OLIVER, SOUTH OF KELLOGG) 472-84823 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING LEFT TURN LANES ON ORME, AT THE INTERSECTION OF ORME AND OLIVER STREET. THAT THERE BE CONSTRUCTED DECELERATION LANES INCLUDING A COMMERCIAL DRIVEWAY APPROACH ON BOTH THE EAST AND WEST SIDES OF OLIVER AT A POINT APPROXIMATELY 355 FEET NORTH OF ORME STREET (ALONG OLIVER, SOUTH OF KELLOGG) 472-84823 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to authorize constructing left turn lanes on Orme, at the intersection of Orme and Oliver Street. That there be constructed deceleration lanes including a commercial driveway approach on both the east and west sides of Oliver at a point approximately 355 feet north of Orme Street (along Oliver, south of Kellogg) 472-84823. Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to Two Hundred Twenty-Five Thousand Dollars (\$225,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after January 1, 2009 exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

ANN WALENTA ADDITION

Lots 1 and 2, Block A,

Lot 1, Block B

The North 70.00 feet of Lots 1, 2, 3, 4 and 5, EXCEPT that part described as beginning at the northeast corner of said Lot 1; thence S00°00'26"E along the east line of said Lot 1, 59.99 feet; thence N89°59'26"W, parallel with the north line of

said Lot 1, 15.00 feet; thence N00°00'26"W, parallel with said east line, 24.99 feet; thence N44°59'56"W, 28.29 feet; thence N89°59'26"W, parallel with said north line, 95.10 feet to the west line of said Lot 5; thence N00°00'26"W along said west line, 15.00 feet to said north line; thence S89°59'26"E along said north line, 130.10 feet to the place of beginning, Kellogg Heights Addition to Wichita, Kansas;

TOGETHER WITH Lot 14, except the north 20 feet, Lots 15, 16, 17, 18, 19, 20, and Lot 21 except the north 23 feet, Block 1, the east 20 feet of Lot 5, Lot 6 except the north 10 feet, together with the east 20 feet of the north 10 feet of Lot 6, Lots 7, 8, 9, 10, 11, 12 and 21, Block 2, Kellogg Heights Addition to Wichita, Kansas;

TOGETHER WITH Vacated Dellrose Avenue from the south line of Lots 1 and 2, Block A, in said Ann Walenta Addition to the north right-of-way line of Orme Street;

TOGETHER WITH The north 72.05 feet of Lot 1, De Witt 2nd Addition, Wichita (Sedgwick County), Kansas;

TOGETHER WITH Vacated Eilerts Street from the east right-of-way line of Oliver to the west right-of-way line of Glendale Avenue.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a square foot basis.

That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable

Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 14th day of July, 2009.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)